

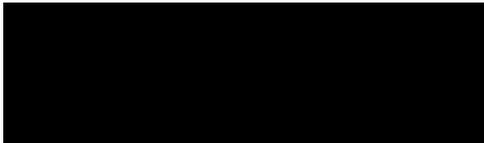
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U.S. Citizenship  
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FILE: [REDACTED]  
[SRC 03 165 54344]

Office: Texas Service Center Date: JUN 20 2005

IN RE: Applicant: [REDACTED]

APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

ON BEHALF OF APPLICANT: Self-represented

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

*Robert P. Wiemann*  
Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the Director, Texas Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The case will be remanded.

The applicant is a native and citizen of Honduras who is seeking Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

The director denied the application because the applicant failed to establish that he was eligible for late registration. The director also found that the applicant had failed to establish his qualifying continuous residence and continuous physical presence in the United States during the requisite periods.

On June 5, 2003, the applicant was requested to submit evidence establishing his residence since December 30, 1998, and physical presence since January 5, 1999, in the United States. The applicant was also requested to submit evidence of his eligibility for late initial registration. The applicant, in response, provided: three handwritten generic receipts dated April 10, 2002, January 7, 2003, and January 2, 1999; a pharmacy receipt dated February 25, 2001; another receipt dated August 8, 2000; and, a copy of a American Traffic School diploma dated August 3, 1999.

The director determined that the applicant had failed to submit sufficient evidence to establish his eligibility for TPS and denied the application on June 24, 2003.

On appeal, the applicant states that he has been living continuously in the United States since 1998.

The denial decision issued by the director however, combines elements of a request for additional evidence, and does not afford appeal rights to the applicant. Therefore, the appeal will be remanded to the director for further processing.

As always in these proceedings, the burden of proof rests solely with the applicant. Section 291 of the Act, 8 U.S.C. § 1361.

**ORDER:** The director's decision is withdrawn. The case is remanded to the director for entry of a new decision.